

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

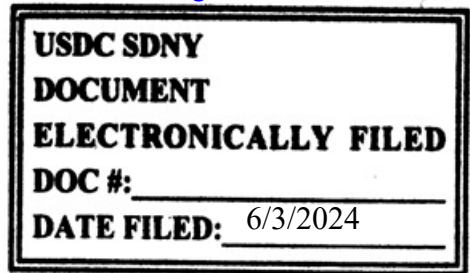
KE'MON CHAPMAN, on behalf of himself and
others similarly situated,

Plaintiff,

-against-

CITY WINERY NY – PIER 57, LLC,

Defendant.



23-CV-02778 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

As discussed with counsel for the parties at the May 30, 2024 conference, Defendant's motion at Dkt. No. 110 is hereby GRANTED IN PART, and the following is hereby ORDERED:

It is HEREBY ORDERED that the FLSA claims of the Opt-In Plaintiffs Denise Luna and Anthony Santana are DISMISSED without prejudice due to their failure to participate in discovery related to the Opt-In FLSA collective action.

It is FURTHER ORDERED that the deadline for the completion of Opt-In Discovery is EXTENDED until **Friday, July 19, 2024**. Plaintiffs are ORDERED to produce three additional Opt-In Plaintiffs for depositions by no later than this deadline. As confirmed on the record at the conference, Plaintiffs' counsel shall first reach out to the three additional Opt-In Plaintiffs identified in Defendant's letter at Dkt. No 110. If those specific individuals are unwilling or unable to participate in depositions on the schedule ordered by the Court, the parties shall work together to make other acceptable Opt-In Plaintiffs available for such a deposition during this time period. This Order is without prejudice to Defendant's ability to move to dismiss any Opt-In Plaintiffs that may not appear, for failure to participate in discovery, but any such motion is not ripe, and the Court is hopeful that the parties can reach agreement.

To that end, all counsel are FURTHER ORDERED to confer and cooperate in good faith in effectuating the Court's Orders, both as stated herein and at the May 30, 2024 conference. Such good faith participation includes, but is not limited to, openly communicating with one another, attending to their respective discovery obligations in a timely and efficient manner, compromising where compromise is feasible without sacrificing legitimate substantive client concerns, and avoiding any further gamesmanship.

Finally, by no later than **Wednesday, July 24, 2024**, the parties are FURTHER ORDERED to submit a joint letter to the Court (i) confirming that the agreed-upon number and type of Opt-In Plaintiff depositions have been completed, and (ii) proposing next steps for this case, including by identifying what motions each party intends to make (if any) and proposing briefing schedules for each.

Dated: June 3, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge